



Office of Administrative
Trials and Hearings



Summons and Notices with ECB Hearings at OATH

Case Details

Summons/Notice Number: 011302584N

Date Issued: 11/18/2011

Issuing Agency: FIRE DEPARTMENT OF NYC

Respondent Name: LA BUCA REST INC

Balance Due: 0.00

Inspection Location: 349 W 46 ST 10036

Respondent Address:

[View Image of Summons/Notice](#)

More Details

Status of Summons/Notice: HEARING COMPLETED

Hearing Result: DISMISSED

Hearing Location: Manhattan [Hearing Locations](#)

Hearing Date: 02/08/2012

Explanation of Charges

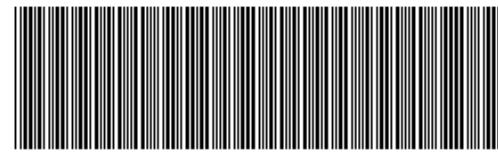
[New Search](#)



**THE CITY OF NEW YORK
ENVIRONMENTAL CONTROL BOARD**

HEARING LOCATION:

Environmental Control Board
66 John Street
10th Floor
New York, NY 10038
(212) 361-1400



115567031355E3B5673

Method of Appearance

Live Hearing

DECISION AND ORDER

Violation #: 011302584N (1 NOV)
Hearing Date: February 8, 2012

To: Seay-Yarbrough Inc
P O Box 3171 GCS
New York, NY 10163

City of New York v. LA BUCA REST INC

Total Civil Penalty: \$0.00

1 Notice(s) of Violation (NOV(s)) was/were issued to the Respondent. On the record before me, and upon the Further Findings of Fact/Conclusions of Law stated below, I find as follows and, where applicable, order payment and compliance.

NOV: 011302584N

PLACE OF OCCURRENCE: 349 WEST 46 STREET MANHATTAN

DATE OF OCCURRENCE: 11/18/2011

ISSUING OFFICER/AGENCY: 1082072 FIR

ECB CODE: BF20

CHARGE: VIOLATION CATEGORY 20

DISPOSITION: DISMISSED

CIVIL PENALTY IMPOSED:

\$0.00

FURTHER FINDINGS OF FACT/CONCLUSIONS OF LAW:

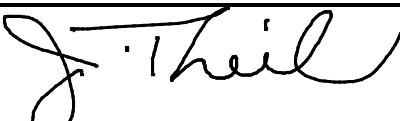
NOV: 011302584N VIOLATION CATEGORY 20

Petitioner appeared by Mr. Vittuli, NYC Fire Department.

Respondent, La Boca Restaurant Inc. appeared by Lisa Seay, who moved to dismiss the charge on the ground that Respondent had evidence of the successful test, dated 2/21/08 (see Respondent's Exhibit # A, in the file).

Petitioner did not oppose the motion as the test is valid for 5 years.

The motion is granted. The charge is dismissed.

TOTAL CIVIL PENALTY: \$0.00		
 Wed Feb 2012 02/08/12 13:31:09	Control 5	02/08/2012
Joanne F Theil, Administrative Law Judge	Date	

**PAYMENT DUE WITHIN TEN (10) DAYS
READ BACK OF THIS ORDER – PROTECT YOUR RIGHTS**



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

DECISION

<p>LABUCA REST INC Attn. Mohammed Akhtar 349 W. 46th Street New York, NY 10036</p>	<p>Summons No: 014007276Z et al. (1 Summons)</p> <p>NEW YORK CITY FIRE DEPARTMENT, -against- LABUCA REST INC</p> <p>Hearing Date: 01/19/2022</p> <p>Hearing Location: Remote</p> <p>Type of Hearing: By Telephone</p>
--	---

Total Penalty Amount: \$1,100.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
014007276Z	Sustained	12/02/2021	349 W. 46th St. Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BF05	VC5 .	Sustained	\$350.00
2	BF15	VC15 .	Sustained	\$450.00
3	BF20	VC20 .	Sustained	\$300.00

Findings of Fact & Conclusions of Law

The hearing was conducted by telephone on Court Call on January 19, 2022. Kofi Speed appeared for petitioner. Respondent's owner, Mohammed Akhtar, appeared for respondent.

The summons charged the following violations of the fire code:

- VC15 – Fire-rated construction requiring correction;
- VC20 – Failed to arrange inspection, testing and service of extinguisher system by licensed master fire suppression contractor; and
- VC5 – Record-keeping.

Respondent did not dispute the allegations in the summons, and offered into evidence proof of correction. Respondent's Exhibit A relates to correction of the cited VC15 and VC 5 items, and Respondent's Exhibit B relates to correction of the cited VC20 testing.

Petitioner accepted respondent's evidence as demonstrating timely correction, and recommended mitigated penalties.

I credit the allegations in the summons. The summons is sustained, and mitigated penalties are imposed.

	
01/21/2022	01/21/2022
Donald Lash, Hearing Officer	Date

**IF YOU ARE FOUND IN VIOLATION, AND ARE NOT ELIGIBLE OR DO NOT CHOOSE
COMMUNITY SERVICE, YOU MUST PAY THE PENALTY WITHIN 30 DAYS OF THE DECISION
DATE OR 35 DAYS IF MAILED.**

- **To pay by mail**, send a check or money order to the Dept. of Finance Commissioner, P.O. Box 2307, Peck Slip Station, New York, NY 10272. The check or money order should be made out to “Finance Commissioner, City of New York.” Write the summons number on the check or money order.
- **To pay in person**, bring a check, money order or credit card and this decision to any OATH Hearings Division location between 8:30 a.m. to 4:30 p.m.
- **To pay online** using a credit or debit card, go to www.nyc.gov/citypay/oath

If you do not pay the penalty, the City may: (1) file papers with the Civil Court (“docket a judgment”), (2) charge you a late fee, and (3) continue attempts to collect the debt.

**CAN I DO
COMMUNITY
SERVICE?**

If your summons is for the type of offense that gives you a Community Service option you can choose to complete Community Service instead of paying a penalty. Your decision will give you that option. You have to complete your Community Service by the deadline in the decision or else you will end up owing the penalty. You can even do your Community Service on the day you receive your decision.

**COMPLETION OF
COMMUNITY
SERVICE**

The Help Center will arrange for you to complete your Community Service. The Help Center is run by the Ombudsperson/*Pro Se* Clerk at OATH and is located at each Hearing Division in all five boroughs. To schedule your Community Service, call, email or visit a Help Center location.

How to Contact the Help Center to Schedule Community Service:

Manhattan: (212) 436-0845 CSmanhattan@oath.nyc.gov
Brooklyn: (718) 923-6216 CSbrooklyn@oath.nyc.gov
Queens: (718) 393-6044 CSqueens@oath.nyc.gov
Bronx: (718) 503-5565 CSbronx@oath.nyc.gov
Staten Island: (718) 876-2314 CSstatenisland@oath.nyc.gov

If you complete your Community Service by the deadline in the decision, you will receive a Certificate of Completion and will not have to pay a penalty. If you need an extension to complete your Community Service, please contact **the Help Center**.

If you do not complete your Community Service by the deadline, you will have to pay the penalty.

**NON-DISCLOSURE
FOR SUMMONSES
ELIGIBLE FOR
COMMUNITY
SERVICE**

If you either completed the Community Service or paid the penalty, OATH will remove your identifying information from public records related to your case.

If you **do not** complete the Community Service or pay the penalty, your identifying information may remain on public records related to your case.

**IF YOU DISAGREE
WITH THE DECISION,
YOU MAY APPEAL IT**

To submit your appeal, you **MUST** use OATH’s online or mail-in appeal forms available on OATH’s website at www.nyc.gov/oath/appeal. Instructions for filing an appeal may be found on the form and OATH’s website.

Your appeal **MUST** be received by the OATH Hearings Division **within 30 days** of the decision date, or 35 days if the decision was mailed to you.

To appeal you **may need** to pay the full penalty stated in this decision.

- If you cannot pay because of financial hardship, you may ask to not pre-pay by submitting with your appeal a Financial Hardship Application, available on OATH’s website.
- If you are eligible and choose to perform Community Service instead of paying the penalty, you do not have to pay the penalty or complete the Community Service to appeal.

**APPEAL BY
ENFORCEMENT
AGENCY**

If you wish to answer an appeal filed by an enforcement agency, you **MUST** use OATH’s Response To Appeal form. Instructions for filing an answer may be found on the form and OATH’s website.

Your answer must be received **within 30 days** of the date of the enforcement agency’s appeal, or 35 days if it was mailed to you.

If the enforcement agency wins the appeal, you may have to pay a penalty or, if eligible, complete Community Service even if your case was originally dismissed after the hearing.

**For more information,
visit OATH’s website www.nyc.gov/oath
or call 1-844-OATH-NYC**

112018